

LEAGUE OF WOMEN VOTERS OF HOWARD COUNTY, INC.
LEAGUE OF WOMEN VOTERS OF HOWARD COUNTY EDUCATION FUND, INC.
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December 20, 2010

Re: CB 55-2010 Apiaries as an accessory use

Chairman Ball and Members of the County Council:

The Howard County League of Women Voters with amendment supports CB-55-2010 (ZRA_117). The League thanks Councilmembers Greg Fox and Mary Kay Sigaty for their sponsorship of this legislation.

The League supports the proposed legislation to permit apiaries, as an accessory use, on lots containing community gardens, and in the side and rear yards of all single-family residential lots with a minimum of 25 feet side and rear setbacks from the lot line.

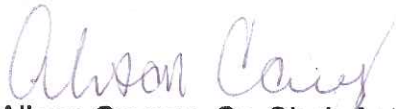
The National League's position on the Environment supports maintaining the biological integrity of the ecosystem. Bees are crucial component of our ecosystem. The proposed allowances will improve conditions for pollination vital to the production of food and honey.

The Planning Board in its advisory opinion on ZRA 117 supported a limitation on location to lots greater than 20,000 square feet in the Non Planned Service Area and 40,000 square foot lots as a minimum size in the Planned Service Area. The Planning Board also made other recommendations to encourage and permit placement on County owned land, conditional uses on CA open space land or community gardens and no placement in the side yards of residential lots in the Planned Service area.

The League found in its research that many cities have enacted apiaries or bee keeping regulations. Atlanta, Chicago, San Diego, Fort Collins, Boise, Seattle, Denver, Detroit, Minneapolis, Portland, San Francisco and Santa Monica are some locations that have enacted legislation. These jurisdictions with greater density and smaller lots did not prohibit apiaries because of the size of a residential lot. Attached to the League's testimony are the regulations for Salt Lake City, Utah and Franklin County, Ohio both enacted in 2009.

Both Salt Lake City and Franklin County regulations speak to density- that is, the density of the allowed number of bee colonies permitted on a residential lot. The League suggests that CB 55 be amended to designate the allowed number of bee colonies on residential property in the Planned Service area and on residential lots less than 20,000 square feet in the Non Planned Service Area.

The League urges the Council to support with amendment Council Bill 55-2010.

A handwritten signature in blue ink that reads "Alison Carney". The signature is fluid and cursive, with the first name "Alison" and last name "Carney" clearly distinguishable.

Alison Carney, Co-Chair Action

CC; Grace Kubofcik, President

Attachments:



SALT LAKE CITY ORDINANCE

No. 71 of 2009

(Amending Section 8.04.010 to Add Definitions Related to Beekeeping and Enacting Chapter 8.10 to Establish Beekeeping Regulations)

An Ordinance Amending Section 8.04.010, *Salt Lake City Code*, to add definitions related to beekeeping and enacting Chapter 8.10, *Salt Lake City Code*, to authorize beekeeping subject to certain regulations.

WHEREAS, honeybees benefit mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products; and

WHEREAS, bees, via pollination, are responsible for 15 to 30 percent of the food eaten by U.S. consumers, and

WHEREAS, in the last 50 years the domesticated honeybee population, on which most farmers depend for pollination, has declined by about 50 percent, and

WHEREAS, Salt Lake City allowed apiaries in agriculturally zoned areas until the 1980s when concerns about killer bees led to the prohibition of apiaries in the City, and

WHEREAS, domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes, and other characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honeybees can be maintained within populated areas in without causing a nuisance if properly located, managed, and maintained, and

WHEREAS, the City Council of Salt Lake City, Utah, (i) desires to amend Section 8.04.010, *Salt Lake City Code*, to add definitions related to beekeeping and to enact Chapter 8.10, *Salt Lake City Code*, to authorize beekeeping subject to certain regulations as set forth below, and (ii) finds such action reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending Section 8.04.010. That Section 8.04.010 of the *Salt Lake City Code*, shall be, and hereby is, amended to include definitions of "Apiary," "Beekeeper," "Beekeeping Equipment," "Colony," "Hive," and "Honeybee" which shall be inserted in alphabetical order and shall read as follows:

APIARY: Any place where one (1) or more colonies of bees are located.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

COLONY: Bees in any hive including queens, workers, or drones.

HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HONEYBEE: The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

SECTION 2. Enacting Chapter 8.10. That Chapter 8.10 of the *Salt Lake City Code* shall be, and hereby is, enacted to authorize beekeeping subject to certain regulations, as follows:

Chapter 8.10

BEEKEEPING

8.10.010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

8.10.020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

8.10.030: HIVES ON RESIDENTIAL LOTS:

A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

B. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

8.10.040: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

8.10.050: HIVES:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.

C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

8.10.060: FLYWAYS:

A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

8.10.070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

8.10.080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations shall apply.

8.10.100: VIOLATIONS:

A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04 510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

SECTION 3. Effective Date: This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this 1st day of December, 2009.

Bill No. 71 of 2009.

Published: January 9, 2010.

Case ZON 09-27

Attachment 2 of 2: Addition of SECTION 115.

All text below is a proposed addition to the Franklin County Zoning Resolution.

SECTION 115 – REGULATION OF AGRICULTURE

115.02 – APPLICABILITY

- a) Pursuant to Ohio Revised Code Section 303.21, Section 115 applies to lots that meet the criteria outlined in Section 110.011(b) above.

115.04 - REGULATION OF APIARIES

115.042 – Purpose and Intent

- a) The purpose of this section is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- b) The following findings are hereby made in relation to apiaries and honey bees:
 - 1) Honey bees are beneficial to humans and to Ohio in particular, by providing agricultural fruit and vegetable pollination services in tandem with home garden vegetable and fruit production and by furnishing honey, beeswax and other useful products.
 - 2) Ohio is among the leading states in honey production and honey bee assisted agricultural products throughout the United States and the world.
 - 3) Domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, reduced swarming, pollination attributes and other characteristics which are desirable to foster and maintain.
 - 4) Gentle strains of honey bees can be maintained within populated areas in reasonable densities to fill the ecological niche and exclude unwanted and undesirable races of bees, without causing a nuisance if the honey bees are properly located, carefully managed and maintained.

115.044 - Establishment and Applicability

- a) No person shall engage in apiculture without a certificate of zoning compliance that specifically identifies apiculture.

- b) Notwithstanding compliance with the various requirements of this section, a beekeeper shall be prohibited from keeping in any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

115.046 - Development Standards

- a) **Allowed densities** – It shall be unlawful to keep more than the following number of colonies on any tract of land, based upon the size or configuration of the tract on which the apiary is situated:
 - 1) one quarter acre or less – two (2) colonies
 - 2) more than one-quarter acre but less than one-half acre – four(4) colonies
 - 3) more than one-half acre – six (6) colonies
- b) **Yards and Location on Lot** – Any structure used for apiculture shall comply with the following yard and setback requirements:
 - 1) Be located in a side or rear yard
 - 2) Be located at least 10 feet from any property line, subject to the requirements of subsection (e) below
 - 3) In the absence of a principal structure must be located behind the building line as defined SECTION 504 – BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY
 - 4) If the total area of structures used for apiculture does not exceed 65 square feet, the structures are not considered accessory buildings. Otherwise, all structures used for apiculture are accessory buildings and must comply with SECTION 512 – ACCESSORY BUILDINGS
- c) **Hive Registration** – All honey bee colonies shall be registered with the Ohio Department of Agriculture. Operators (beekeepers) granted a certificate of zoning compliance to operate an apiary must maintain a valid annual apiary registration. Beekeepers must comply with the Ohio Apiary Law.
- d) **Hive Type** - All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.
- e) **Fencing of Flyways** - In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Any fence shall comply with SECTION 501 – FENCE REQUIREMENTS and the following:
 - 1) Height: six (6) feet in height
 - 2) Materials: consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line
 - 3) Location: extends 10 feet beyond the colony in each direction
- f) **Water** - Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees are less likely to congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause

human, bird or domestic pet contact.

- g) **Queens** – Beekeepers are strongly encouraged to maintain all colonies with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, beekeepers are encouraged to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

115.048 – Certificate of Zoning Compliance Required

No one shall engage in apiculture without a zoning certificate as provided for in SECTION 705.02 – CERTIFICATE OF ZONING COMPLIANCE and this subsection.

- a) **Information required** – In addition to the requirements of Section 705.022, applicants seeking to engage in apiculture must provide the following on the site plan or in accompanying documentation in conjunction with an application for a zoning certificate:
 - 1) A copy of a current, valid apiary registration from the Ohio Department of Agriculture
 - 2) Hive type
 - 3) Location of hives
 - 4) Location of and manner of fencing of flyways, if required under Section 115.046(b)
 - 5) Location of nearby water
 - 6) A copy of a signed, written agreement under Section 115.048(b), if applicable
 - 7) Any other relevant information related to the operation of the apiary, if requested by the Administrative Officer
 - b) **Operation** – It shall be presumed for purposes of this Section 115.04 that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be changed by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.
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Amendment to SECTION 720 - DEFINITIONS

All text below is a proposed addition to the Franklin County Zoning Resolution.

APIARIST – see BEEKEEPER.

APIARY - the assembly of one or more colonies of bees at a single location.

APICULTURE – the cultivation of bees for purposes of producing honey, pollination services, queen breeding programs, or other products of the hive.

BEEKEEPER - a person who owns or has charge of one or more colonies of bees.

BEEKEEPING EQUIPMENT - anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY - Colony or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and drones, including brood, combs, honey and the receptacle inhabited by the bees.

HIVE – See COLONY

HONEY BEE - all life stages of the common domestic honey bee, *Apis mellifera* species.